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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Marc Hobe', a single man,	)	No. CV-09-405-PHX-DGC
10 Plaintiff,	)	<b>ORDER</b>
11 vs.	)	
12 United States Department of Education;	)	
13 Pioneer Recovery; and James Farrar,	)	
14 Defendants.	)	

15 This suit concerns collection efforts relating to Plaintiff's student loans. *See* Dkt. #1.  
16 Plaintiff filed a motion for expedited hearing and service by U.S. Marshal. Dkt. #7.  
17 Defendants United States Department of Education ("DOE") and James Farrar filed a  
18 response. Dkt. #9. The Court issued an order denying the motion on April 7, 2009,  
19 concluding that service by the U.S. Marshal's office was not appropriate at this time because  
20 Plaintiff has not sought in forma pauperis status and it appears that Defendant Farrar may be  
21 served via certified mail. Dkt. #10.

22 That same day, and prior to receiving the Court's order, Plaintiff filed a "response and  
23 motion to the Court" seeking clarification of Defendants' response. Dkt. #12. Plaintiff states  
24 that counsel for Defendant DOE has not made clear the capacity in which she represents  
25 Defendant Farrar in this case. *Id.* at 1. Plaintiff further asserts that Defendant Farrar has  
26 refused to accept service via certified mail and that he is willing to provide defense counsel  
27 with a copy of the complaint if counsel is willing to accept service on behalf of Defendant  
28 Farrar. *Id.* at 1-2.

1 Defendants have filed a response stating that Plaintiff's motion appears to be moot in  
2 light of the Court's April 7 order, but indicating that they will file a substantive response if  
3 requested by the Court. Dkt. #16. The Court will require Defendants to file a response  
4 addressing (1) the capacity in which defense counsel represents Defendant Farrar in this  
5 matter, (2) whether counsel is willing to accept service on behalf of Defendant Farrar and,  
6 if not, (3) whether Defendant Farrar has refused service via certified mail.

7 Plaintiff has filed a motion to compel disclosures and set this matter for trial. Dkt.  
8 #14. The Court will deny the motion. A case management schedule will be set once all  
9 defendants have been served with process and have answered the complaint.

10 **IT IS ORDERED:**

- 11 1. Defendants shall file a response to Plaintiff's motion for clarification (Dkt. #12)  
12 by **May 1, 2009**.  
13 2. Plaintiff's motion to compel disclosures and set this matter for trial (Dkt. #14) is  
14 **denied**.

15 DATED this 28<sup>th</sup> day of April, 2009.

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20 David G. Campbell  
21 United States District Judge  
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